

CASE No. 22-15260

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

THE ESTATE OF ISABELLA “BELLA”, et al.

Appellants,

vs.

NETFLIX, INC.

Appellee.

Appeal From The United States District Court,
Northern District of California, Case No. 4:21-cv-06561-YGR,
Hon. Yvonne Gonzalez Rogers

**APPELLEE NETFLIX, INC.’S UNOPPOSED REQUEST TO EXTEND THE
ANSWERING BRIEF DEADLINE FOR 14 DAYS**

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Pursuant to Federal Rules of Appellate Procedure 26 and 27, and Local Rule 31-2.2, Appellee Netflix, Inc. (“Netflix” or “Appellee”) hereby requests a 14-day extension of time to file the answering brief, currently due on May 26, 2023, to and including June 9, 2023. This is Netflix’s second noticed motion for an extension. Appellants consent to this request.

This unopposed extension is necessary and justified for several reasons:

First, as Netflix explained in its earlier consented-to motion for an extension (Dkt. No. 55), Appellants’ Opening Brief (“AOB”) was not accepted in final form until March 6, 2023. Under ordinary briefing rules, Netflix would have had 30 days from March 6, 2023, plus a 30-day streamlined extension, to file its response brief. Netflix’s first extension added 21 days to that ordinary timeline. This motion adds 14 additional days and is, in the context of this timeline, reasonable.

Second, this second extension is fair in light of the amount of time Appellants had to prepare the AOB. As noted in Netflix’s previous extension request, this Court ultimately extended Appellants’ deadline to file the AOB by more than seven months. (*See* Dkt. No. 55 (detailing timeline).) Even with 14 further days, Netflix will receive less time to draft the answering brief than Appellants received to draft the AOB.

Third, as noted in Netflix’s first motion for an extension, the AOB makes a number of new arguments, and cites new authorities, that were not made and cited in the District Court proceedings below. (*See* Dkt. No. 55 (collecting citations).) This Court has no need to address any potential waiver issues in resolving this second extension motion, and Netflix is not asking the Court to do so. Netflix merely observes that the additional time it requests is, for this reason as well, reasonable.

Thus, for the reasons specified herein, and those detailed in the attached declaration of J. Max Rosen, as well as the reasons originally detailed in Netflix's March 13, 2023 extension motion, Netflix respectfully requests that this Court extend its deadline to file the answering brief by 14 days to and including June 9, 2023.

DATED: May 15, 2023

Respectfully submitted,
MUNGER, TOLLES & OLSON LLP

By: /s/ Blanca F. Young
BLANCA F. YOUNG
Attorneys for Appellee NETFLIX, INC.

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

Dated: May 15, 2023

Respectfully submitted,

/s/ Blanca F. Young
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